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board (1905) 139 N. C. 303, 51 S. E. 975. *Contra, Cook v. Johnston* (1885) 58 Mich. 437, 25 N. W. 388. And this is thought to be true whether or not the volunteer has an interest in the property which he seeks to save. *Cf. Kambour v. B. & M. R. R. Co.* (1913) 77 N. H. 33, 50, 86 Atl. 624, 633. The objection raised to the volunteer theory is that the defendant ought not to be held because injuries to a volunteer are not consequences which could be foreseen as likely to occur. See *Pike v. Grand Trunk Ry.* (1889 C. C. N. H.) 39 Fed. 255. But this objection is met in the instant case by the fact that a defendant who negligently starts a fire might well foresee that firemen would attempt to extinguish it and thereby incur risk of injury. It is submitted, therefore, that even courts which refuse to permit recovery to an ordinary volunteer attempting to save property might well regard a plaintiff fireman more favorably.

PUBLIC UTILITIES—RATE REGULATION—EXCLUDING "GOING VALUE" IN VALUATION OF PROPERTY.—In valuing the property of the petitioner for purposes of fixing rates, the California Railroad Commission excluded the item of development cost as an element of "going value" because excessive earnings since the development period had been sufficient to offset all deficits of that period. *Held*, that such exclusion by the Commission was correct. *San Joaquin Light & Power Corp. v. Railroad Commission* (1917, Cal.) 165 Pac. 16.

See COMMENTS, p. 386.

TORTS—RIGHT OF BURIAL—FAILURE TO NOTIFY PARENT OF CHILD'S DEATH.—The mutilated body of the plaintiff's son was found by the defendant's employes upon its railroad track. Letters upon the body disclosed the plaintiff's name and address. The defendant notified only the coroner, who buried the body without notifying the plaintiff. Suit was brought for mental anguish alleged to have been caused by the defendant in depriving the plaintiff of the solace of burying her son. *Held*, that the railroad company was not liable. *Awitrey v. Norfolk & Western Ry. Co.* (1917, Va.) 93 S. E. 570.

It is frequently said that "there can be no property in a dead body." See 13 Cyc. 267 and cases there cited. While it is true that neither the executor nor the relatives of a decedent have, with respect to the corpse, all the rights, privileges, powers and immunities which make up the complex aggregate of jural relations usually connoted by the term "property," nevertheless the courts do recognize and enforce certain rights, privileges, etc., with respect to dead bodies, similar to those of an owner in ordinary property. The near relatives may enjoin interference with the corpse after interment. *Pierce v. Proprietors of Swan Point Cem.* (1872) 10 R. I. 227; *cf. Pulsifer v. Douglass* (1901) 94 Me. 556, 48 Atl. 118. And before interment, in the absence of testamentary disposition of the body, the surviving spouse or next of kin is entitled, for the purpose of burial, to have possession of it turned over in the same condition in which it was at death. *Foley v. Phelps* (1896) 1 N. Y. App. Div. 551, 37 N. Y. Supp. 471; *Larson v. Chase* (1891) 47 Minn. 307, 50 N. W. 238; *cf. Reg. v. Fox* (1841, Eng. Q. B.) 2 Ad. & El. N. S. 246. In the case of a deceased child this right belongs to the surviving father or mother. *Floyd v. Atlantic Coast Line Ry. Co.* (1914) 167 N. C. 55, 83 S. E. 12; *Darcy v. Presbyterian Hospital* (1911) 202 N. Y. 259, 59 N. E. 695. A wilful or negligent mutilation or withholding of the corpse is a violation of this right, for which the surviving spouse or next of kin may, by the weight of authority, recover not only actual damages, such as increased burial expenses, but also damages for outraged feelings and distress of mind. *Kyles v. Southern Ry. Co.* (1908) 147 N. C. 394, 61 S. E. 307; *Larson v. Chase, supra*; *contra, Long v. Chicago R. I. & P. Ry. Co.* (1905) 15 Okla. 512, 86 Pac. 289; *cf. Deavors v. Southern Express Co.* (1917, Ala.) 76 So. 288.